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PHILADELPHIA INQUIRER
12 December 1984

Lawyer questions editing of TV tape

J By David Zucchino
Inquirer Staff Writer

NEW YORK — An attorney for Gen. William C. Westmoreland, his voice edged with sarcasm, accused a CBS producer yesterday of deliberately misleading the viewing public in a 1982 documentary on the Vietnam War.

In a bitter exchange that climaxed a three-hour battle of wills with producer George Crile, attorney Dan Burt said CBS had distorted a key interview in the documentary, which accused Westmoreland of improprieties in reporting enemy troop strength in Vietnam. The general has sued the network for \$120 million, contending that he was libeled.

"You deliberately tried to mislead the viewer, didn't you, Mr. Crile?" Burt asked, cutting off a previous response by Crile.

"I can repeat my answers as long as you'd like, Mr. Burt," Crile shot back.

The exchange focused on an interview Crile had conducted with Col. Gains Hawkins, an intelligence officer under Westmoreland in 1967. Portions of the interview were included in the documentary, *The Uncounted Enemy: A Vietnam Deception*.

During the broadcast, Hawkins referred to certain intelligence estimates as "crap." The remark came immediately after a long discussion in the broadcast of estimates that Hawkins had taken to an August 1967 intelligence conference in Langley, Va., as a representative of Westmoreland's command.

The conference was called to reconcile a dispute between the Washington intelligence community and Westmoreland's command over estimates of enemy strength. CBS accused Westmoreland of altering and suppressing estimates of a much larger enemy in 1967 than his command was reporting.

Burt said Crile had edited out part of Hawkins' remarks to make it appear that Hawkins was referring to the estimates of Westmoreland's command as "crap." He said Hawkins was actually referring to old figures Westmoreland's command had inherited from the South Vietnamese army.

Burt read aloud to the jury the portion of Hawkins' remarks that Crile had removed: "Now prior to this, we had the old figures that we inherited from the South Vietnamese forces."

Hawkins went on with remarks that were included in the program: "There was never any reluctance on my part to tell ... anybody ... that these figures were crap."

Staring at Crile, Burt asked him about his cutting of the sentence.

"You did it on purpose, didn't you Mr. Crile?" he said, his voice rising.

"Of course I did, Mr. Burt," Crile replied. "I believe very strongly that was an accurate presentation of Col. Hawkins' views."

Crile accused Burt of interpreting Hawkins' remark "out of context" of the "totality of Col. Hawkins' response." Based on what Hawkins had told him before, during and after the interview, Crile said, he was convinced that Hawkins considered the figures of Westmoreland's command to be "crap."

Crile directed Burt to another portion of Hawkins' remarks that was edited out. In that portion, Hawkins referred to "the validity of these end-result figures."

By "end figures," Crile suggested, Hawkins referred to the figures he took to the conference — figures that were originally based on old South Vietnamese army figures.

Burt introduced two documents indicating that the Defense Intelligence Agency was considering in April 1967 a recommendation that "irregular" elements of enemy strength be "scrapped" from official listings of enemy strength. The CBS program said it was Westmoreland, who had proposed dropping the irregulars in the summer of 1967 as a "tactic" to artificially lower estimates of total enemy strength.

"And that isn't true?" Burt said of the CBS allegation.

"Yes, it is true, Mr. Burt, and I'll explain why," Crile said. Turning to the jury, Crile then gave a long summary of the broadcast's major points.

Burt also accused Crile of omitting from the broadcast evidence that Hawkins had given the Langley conference a "revised" estimate of total enemy strength of 400,000 to 420,000 men. CBS reported that Hawkins, under orders from Westmoreland's command to keep the total under a "ceiling" of 300,000, gave a revised total of about 298,000 men — the number the command had released to the media.

Crile told Burt he "had no way of knowing" whether Hawkins presented the higher figure. But based on what Hawkins and other intelligence officers had told him, he said, Hawkins' "bottom line," representing the "official position" of Westmoreland's command, was 298,000.

Even if he had known that Hawkins had presented the higher numbers, to include that in the program would have been "misleading" and inconsistent with "the reality of the presentation" by Hawkins.